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9 Officer G. Pon, Officer J. Luna,
10 Officer K. DeBlasi, and Sgt. J. Louis

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12 **UNITED STATE DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

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15 **FRANK CISNEROS, BEATRICE**
16 **CISNEROS, and KASI CISNEROS,**

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18 Plaintiffs,

19 v.

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21 **SERGEANT T. CURTIN, DETECTIVE G.**
22 **PON, OFFICER J. LUNA, OFFICER K.**
23 **DEBLASI, OFFICER J. LOUIS, OFFICER**
24 **R. ONCIANO, and DOES 1 through 50,**

25

26 Defendants.

27 **NO. C 07-02788 JCS**

28 (Lower Court No. RG 07 321085)

1 **NOTICE OF PENDENCY OF OTHER**
2 **ACTION (N.D. Local Rule 3-13)**

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Pursuant to Local Rule 3-13, defendants Sgt. Thomas Curtin, Officer Glenn Pon (sued herein as Detective G. Pon), Officer Jeffrey Luna, Officer Keith DeBlasi, and Sgt. Jennifer Louis (sued herein as Officer J. Louis) (collectively, hereafter referred to as defendants) hereby submit their Notice of Pendency of Other Action.

Title and Description of Other Action:

Alameda County Superior Court No. RG 06 281529, entitled *Frank Cisneros, Beatrice Cisneros, and Kasi Cisneros v. City of Berkeley*. This is a state tort action for *respondeat superior* against only the City of Berkeley (not any of the officers) arising out of an incident involving the service of a search warrant at plaintiffs' dwelling on April 20, 2005.

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1 **Brief Statement of Relationship of the Other Action:**

2 • Both cases arise out of the same incident.
3 • Plaintiffs are the same in both cases.
4 • Plaintiffs have the same counsel in both cases.
5 • Defendants in the two cases are different, but defendant City of Berkeley in the state tort
6 case is the employer of the appearing individual officer defendants in the federal case.

7 **Coordination Issues**

8 In the federal action, defendants intend to promptly move for summary judgment. The
9 federal claims should be dismissed early in this litigation under the qualified immunity doctrine.
10 The state claims should also be dismissed because they are time-barred under the Tort Claims
11 Act.

12 In the state court action, the City will ask for a 90-day stay of proceedings at the
13 upcoming initial Case Management Conference on June 27, 2007 so that the federal case can be
14 resolved by motion before the state court case proceeds.

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16 Dated: June 1, 2007

Respectfully submitted:

17 MANUELA ALBUQUERQUE, City Attorney
18 MATTHEW J. OREBIC, Deputy City Attorney

19 By: _____ /s/
20 MATTHEW J. OREBIC
21 Attorneys for Defendants Sgt. T. Curtin, Officer
 G. Pon, Officer J. Luna, Officer K. DeBlasi, and
 Sgt. J. Louis

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